

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WARD MEDIA, INC.,

Plaintiff,

- against -

**ANSWER WITH
AFFIRMATIVE DEFENSES
AND CROSS-CLAIM**

CREOSCOPE MEDIA, INC. and
FRISCHMAN ENTERPRISES, INC. d/b/a
PCSECURITYSHIELD,

07 CV. 5470 (BSJ)

Defendants.

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Defendant FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD,
by its attorneys, SOMER & HELLER LLP, answering the Complaint
alleges as follows:

1. Denies knowledge or information sufficient to form a
belief as to the truth of the allegations set forth in paragraphs
"1", "2", "4", "9", "10", "13", "14", "17", "18", "19", "20",
"21", "23", "24", "25", "26", "28", "29", "31", "32", "33", "34"
and "35" of the complaint.

2. Denies each and every allegation contained in paragraphs
"5", "6", "7", "8", "11", "12", "15", "38", "40", "41", "42", "43"
and "45" of the complaint.

3. Denies each and every allegation contained in paragraph
"37" of the complaint, and specifically denies that Defendant
FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD had any
obligation to pay Plaintiff any sums.

4. Denies each and every allegation contained in paragraph

"44" of the complaint, and specifically denies that Defendant FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD had any obligation to pay Plaintiff any sums.

5. Admits the allegations set forth in paragraph "3" of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. That Defendant FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD was not served with process in a manner authorized by the Federal Rules of Civil Procedure or by the Laws of New York, and therefore, this Court lacks jurisdiction over the persons of this Defendant.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. That the causes of action in Plaintiff's complaint fail to state a cause of action for which relief can be granted as against defendant, FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. That Plaintiff's damages, if any, resulted from the acts of third parties not subject to the control or direction of defendant FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD.

**AS AND FOR A CROSS-CLAIM AGAINST
DEFENDANT CREOSCOPE MEDIA, INC.**

9. That if the Plaintiff has sustained any damage as alleged herein, which damages are expressly denied, then all such damages will have been caused and/or brought about, in whole or in part, by

the culpable conduct of the other named Defendant, CREOSCOPE MEDIA, INC.

10. That Defendant FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD, demands judgment for contribution and/or indemnification from CREOSCOPE MEDIA, INC. and that the respective degree of culpable conduct of CREOSCOPE MEDIA, INC. be ascertained, determined and adjudicated and that Defendant, FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD, have judgment over and against CREOSCOPE MEDIA, INC. for all or part of any verdict or judgment Plaintiff may recover against Defendant FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD.

WHEREFORE, Defendant, FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD, demands judgment dismissing the Complaint, or in the alternative, that Defendant FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD, have judgment for contribution or indemnification over and against Defendant CREOSCOPE MEDIA, INC., for all or part of any verdict or judgment Plaintiff may recover against Defendant FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD, together with awarding Defendant FRISCHMAN ENTERPRISES, INC. d/b/a PCSECURITYSHIELD its fees, costs and disbursements incurred in defending this action and for such other and further relief as this Court may deem just and proper.

Dated: Commack, New York
June 21, 2007

s/Jeffrey T. Heller (JTH 2720)
SOMER & HELLER LLP
Attorneys for Defendant
FRISCHMAN ENTERPRISES, INC.
d/b/a PCSECURITYSHIELD
2171 Jericho Turnpike
Commack, New York 11725
631-462-2323

TO: FRANKFURT KURNIT KLEIN & SELZ, P.C.
Attorneys for Plaintiff
488 Madison Avenue
New York, New York 10022
(212)980-0120

CREOSCOPE MEDIA, INC.
1300 NW 17th Ave, Suite 260
Delray Beach, FL 33445

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